

JAMES SPANN, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 4:05CV1470 CDP  
)  
CORRECTIONAL MEDICAL )  
SERVICES, et al., )  
)  
Defendants. )

This matter is before me on plaintiff's "motion to request that defendants counsel enter appearance for defendants Shropshire, Kenoyer, Cook, Kazmeiski, Williford, Beelek, Weiss, and Rakupp." In this motion, plaintiff requests an order requiring defense counsel (presumably the Office of the Missouri Attorney General) to enter an appearance for these defendants, who are named in his supplemental complaint. Although plaintiff's supplemental complaint joins additional parties not named as defendants in the original complaint, I neglected to order the Clerk of the Court to serve these defendants with process. Therefore, by this Order I will direct the Clerk of the Court to serve process on the additional defendants named in plaintiff's supplemental complaint. Because these defendants have not been served, I cannot require defense counsel to enter an

appearance on their behalf, so plaintiff's motion will be denied. For the same reason, plaintiff should not file a motion for default judgment at this time as was suggested in his motion.

Finally, I will construe plaintiff's February 15, 2007, Memorandum to the Court liberally as a motion to amend his supplemental complaint by interlineation to substitute defendants "Kenoyer" for "Kenoya," "Ms. Williford" for "Hewitt," and "Beelek" for "Bellek." The motion to amend will be granted.

Accordingly,


**IT IS HEREBY ORDERED** that plaintiff's motion to amend his supplemental complaint by interlineation [#50] is granted, and plaintiff's supplemental complaint is amended by interlineation to substitute defendants "Kenoyer" for "Kenoya," "Ms. Williford" for "Hewitt," and "Beelek" for "Bellek."

**IT IS FURTHER ORDERED** that the Clerk of the Court shall issue process or cause process to be issued upon the supplemental complaint on defendants "CO1 Mr. Kenoyer," "FUM Kristian Shropshire," "CO1 Joey Cook," "Sgt. Kazmeiski," "CO1 L. Sikes," "CO1 Ms. Williford," "CO1 Beelek," "Sgt. Weiss," and "CO1 Rakupp."

**IT IS FURTHER ORDERED** that, pursuant to 42 U.S.C. § 1997e(g)(2),

defendants shall reply to the supplemental complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that plaintiff's "motion to request that defendants counsel enter appearance for defendants Shropshire, Kenoyer, Cook, Kazmeiski, Williford, Beelek, Weiss, and Rakupp" [#51] is denied.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2007.